

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: March 15, 2006

Division: County Attorney

Bulk Item: Yes xx No     

Department: County Attorney

Staff Contact Person: Bob Shillinger x3470

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**AGENDA ITEM WORDING:**

Authorization for the County Attorney's office to take all appropriate steps for the County to intervene on the side of the City of Marathon in *Andrew and Donna Bott v. City of Marathon*, CA M 05-267.

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**ITEM BACKGROUND:**

Andrew and Donna Bott filed suit seeking to invalidate an affordable housing deed restriction that was imposed when they obtained an affordable housing ROGO allocation about the time the City incorporated. Because the City Code mirrored the County Code in effect at the time of incorporation, the outcome of this case could potentially impact the County's similar affordable housing efforts. The City Attorney has welcomed the County's intervention. It is estimated that intervention at the trial level could consume approximately 50 hours of legal staff's time.

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**PREVIOUS RELEVANT BOCC ACTION:**

None.

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**CONTRACT/AGREEMENT CHANGES:** n/a

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**STAFF RECOMMENDATIONS:** Approval.

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**TOTAL COST:** n/a

**BUDGETED:** Yes      No     

**COST TO COUNTY:** n/a

**SOURCE OF FUNDS:** n/a

**REVENUE PRODUCING:** Yes      No xx

**AMOUNT PER MONTH** n/a **Year** n/a

**APPROVED BY:** County Atty xx OMB/Purchasing      Risk Management     

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**DIVISION DIRECTOR APPROVAL:**

  
Suzanne A. Hutton, Interim County Attorney

**DOCUMENTATION:** Included      Not Required xx **TO FOLLOW**

**DISPOSITION:**                                     

**AGENDA ITEM #**